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TOP SECRET/SENSITIVE

MEMORANDUM RE RADIO HANOI'S BROADCAST ON OCTOBER 26, 72 AND DR. KISSINGER'S PRESS BRIEFING ON OCTOBER 26, 72

In the light of the details of the Peace Agreement revealed by North Viet Nam in a broadcast by Radio Hanoi at 13:00 on October 26, 72 (Hanoi time) and some statements by Dr. Kissinger in his press conference at 11:00 on October 26, 72 (Washington time), the Government of the Republic of Viet Nam raises the following points :

1. - We are very surprised by the schedules as disclosed by Hanoi according to which :

a) On October 9, 72 the United States had proposed and agreed to stop the bombing and mining of NVN on 18, 72, the two sides will parafer the Agreement in Hanoi on October 19, 72, and the Foreign Ministers of the U.S. and NVN will officially sign the Agreement on October 26, 72 in Paris.

b) On October 11, 72 the US however had proposed to change the schedule as follows :

- the US will stop the bombing and mining of NVN on October 21, 72.
- the two sides will parafer the Agreement in Hanoi on October 22, 72.
- the Foreign Ministers of the US and NVN will officially sign the Agreement in Paris on October 30, 72.

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E.O. 12958 Sec. 3.6
MR95-95, #16; State letter 7/29/96
By ut NARA, Date 8/23/96

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c) On October 20, 72 the US again proposed to change the schedule as follows :

- the US will stop the bombing and mining of NVN on October 23, 72
- the two sides will parafer the Agreement in Hanoi on October 24, 72
- The Foreign Ministers of the US and NVN will officially sign the Agreement in Paris on October 31, 72.

This is the first time that we know of such schedules to sign the Agreement. We have not been advised of such schedules when Dr. Kissinger was still holding meetings with the other side in Paris and when he was in Saigon.

For the record, the Government of the Republic of Viet Nam would like the Government of the United States to state on the veracity of Hanoi's assertions on these schedules.

2. - Hanoi disclosed that President Richard Nixon had sent to Pham Van Dong two messages while Dr. Kissinger was holding meetings with the Government of the Republic of Viet Nam in Saigon.

In the first message conveyed to Pham Van Dong on October 20, 72 President Nixon welcomed the goodwill of NVN and reaffirmed that the text of the Agreement can be considered as final, but did however raise some questions.

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- In the second message conveyed to Pham Van Dong on October 22, 72 President Nixon expressed his satisfaction on the explanations given by NVN to the questions raised by the US on October 20, 72.

The Government of the Republic of Viet Nam was not informed of those two letters. For the record, the Government of the Republic of Viet Nam would like to be confirmed by the Government of the United States on the veracity as well as the content of those two messages.

3. - In his discussions with the Government of the Republic of Viet Nam Dr. Kissinger said that the reference to the three (3) countries of Indochina in the text of the Agreement Dr. Kissinger gave to us was a mistake. However, as disclosed by Hanoi the reference to the three (3) countries of Indochina is very clear and strongly stated in Point 7 and in the last sentence of the broadcast.

The Government of the Republic of Viet Nam would like to have the Government of the United States' comments on this point.

4. The Government of the Republic of Viet Nam feels that in his press conference, Dr. Kissinger had made many rather ambiguous statements.

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a) Referring to the Agreement, Dr. Kissinger said that "... what stands in the way of an agreement now are issues that are relatively less important than those that have already been settled".

Dr. Kissinger said further that the problems that remain to be solved are "linguistic problems"

b) Referring to the Administrative structure called National Council of National Reconciliation and Concord, Dr. Kissinger said that "... we do not consider this a coalition government and we believe that President Thieu was speaking about previous versions of a Communist plan and not about this version of the Communist plan". Dr. Kissinger said furthermore that "... we do not see it as anything comparable to a coalition government" and that "... we view it as an institutionalization of the Election Commission that we proposed on January 25, 72".

The Government of the Republic of Viet Nam wishes to make clear that, in the discussions in Saigon, the GVN had raised a number of preliminary points in the draft Agreement. Dr. Kissinger then thought that some points could be accomodated while some other important points are difficult to accomodate. Furthermore, we have not agreed on three basic principles, namely

a) the North Vietnamese troops must withdraw to NVN
b) the DMZ should be defined clearly

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c) the political solution for SVN should be left to the South Vietnamese people to decide by themselves, and not imposed through an administrative structure called National Council of National Reconciliation and Concord with three equal segments and with the prerogatives and tasks of a coalition government.

So, there remain many important problems to be solved, and that those problems are not merely "linguistic problems".

On the particular issue of the Council, even Hanoi disclosed it as a structure of government, with full powers of a government and not a "little Council of no significant importance" as Dr. Kissinger had commented.

In the course of our discussions on this particular problem, the Government of the Republic of Viet Nam has rejected the words "Administrative Structure", "3 equal components" as well as the prerogatives and the tasks of this Council to organize general election.

In rejecting it as a disguised coalition government, President Nguyen Van Thieu was speaking about this specific Council in the Agreement and not about previous versions of a Communist plan.

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Therefore, in the light of Dr. Kissinger's ambiguous statements, the Government of the Republic of Viet Nam, makes it clear that the Government of the United States has not elaborated and agreed with the Government of the Republic of Viet Nam on the preliminary points raised by the GVN which Dr. Kissinger thought could be accomodated.

Furthermore and most importantly, there are still many basic principles and not "linguistic problem" to be solved by the two Governments.

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